

Message Text

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PAGE 01 STATE 009604
ORIGIN EA-02

INFO OCT-01 ISO-00 SNM-02 /005 R

66011

DRAFTED BY EA/TB:RMGIBSON:MFG

APPROVED BY S/NM:AMB VANCE

-----150732Z 051413 /23-12

R 150102Z JAN 77

FM SECSTATE WASHDC

TO AMEMBASSY LONDON

AMEMBASSY BONN

AMEMBASSY BRUSSELS

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FOL RPT BANGKOK 31492 ACTION SECSTATE INFO DEA HQ WASHDC
RANGOON 17 NOV 76 QUOTE

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RANGOON FOR AMBASSADO VANCE

E.O. 11652: N/A

TAGS: SNAR, TH, PGOV, PINT

SUBJ: THAI GOVERNMENT APPROVES NEW ANTI-NARCOTICS LEGISLATION

SUMMARY: THAI GOVERNMENT APPROVED LEGISLATION NOV 12
ESTABLISHING DRUG SUPPRESSION COMMISSION IN THE OFFICE OF THE
PRIME MINISTER AND PROVIDING BROAD POWERS OF INVESTIGATION,
SEARCH, SEIZURE, AND ARREST IN DRUG-RELATED CASES. MUCH WILL
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DEPEND ON HOW LEGISLATION IS IMPLEMENTED, AND SUCH WIDE
AUTHORITY COULD BE ABUSED. HOWEVER, RTG DESERVES CONSIDERABLE
CREDIT FOR ORIGINATING AND ENACTING THIS TOUGH LEGISLATION
WHICH SHOULD MAKE POSSIBLE IMPROVED THAI PERFORMANCE IN
ANTI-NARCOTICS EFFORT. END SUMMARY.

1. THE PRIME MINISTER'S ADVISORY COUNCIL, ACTING AS THE THAI

PROVISIONAL LEGISLATIVE ASSEMBLY, ON NOV 12 APPROVED LEGISLATION AIMED AT IMPROVING THAI LEGAL AND ORGANIZATIONAL RESOURCES TO COUNTER THE NARCOTICS TRAFFIC. THE LEGISLATION HAS NOT YET RECEIVED THE ROYAL ASSENT AND HAS NOT BEEN MADE PUBLIC, ALTHOUGH CABINET SPOKESMAN DUSIT SIRIWAN REFERRED TO IT IN GENERAL TERMS ON NOV 12. NO EXTENDED DELAY IS ANTICIPATED BEFORE THE LEGISLATION WILL BE APPROVED BY THE KING AND MADE PUBLIC. THE EMBASSY HAS OBTAINED AN ADVANCE COPY OF THE LEGISLATION (ACTUALLY, TWO SEPARATE BILLS), WHOSE MAIN PROVISIONS APPEAR BELOW.

2. THE LEGISLATION ESTABLISHES THE DRUG SUPPRESSION COMMISSION (DSC) UNDER THE OFFICE OF THE PRIME MINISTER, WITH THE STATUS OF A DEPARTMENT. THE DSC WILL BE COMPOSED OF UP TO 14 MEMBERS: PRIME MINISTER, CHAIRMAN; REPRESENTATIVES OF THE MINISTRIES OF THE INTERIOR, EDUCATION, AND PUBLIC HEALTH AS MEMBERS; THE DIRECTORS GENERAL OF POLICE, CUSTOMS, AND PROSECUTION AS EX OFFICIO MEMBERS; AND SIX ADDITIONAL MEMBERS TO BE APPOINTED BY THE CABINET. A SECRETARY-GENERAL OF THE DSC WILL ALSO BE APPOINTED AND WILL HIMSELF BE A MEMBER OF THE COMMISSION. THE TERM OF OFFICE OF THE APPOINTED MEMBERS OF THE COMMISSION WILL BE TWO YEARS, RENEWABLE FOR A FURTHER APPOINTMENT.

3. POWERS OF THE DSC INCLUDE: THE FORMULATION OF PLANS AND MEASURES TO BE EMPLOYED IN DRUG PREVENTION AND SUPPRESSION PROGRAMS; CONTROL OF THE INVESTIGATION, INTERROGATION, AND PROSECUTION PROCESS; COORDINATION OF PREVENTIVE AND SUPPRESSION OPERATIONS AMONG THE GOVERNMENT AGENCIES CONCERNED; RECOMMENDATIONS FOR IMPROVEMENT OF PLANS OR PROJECTS WITHIN THE GOVERNMENT LIMITED OFFICIAL USE

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AGENCIES, FOR CONSIDERATION BY THE CABINET; AND CONDUCT AND COORDINATION OF ADDICT REHABILITATION PROGRAMS.

4. THE SECRETARY GENERAL OF THE DSC, HIS DEPUTY, AND/OR OFFICIALS DESIGNATED BY HIM ARE EMPOWERED TO ENTER AND SEARCH PREMISES AND SEIZE DRUGS AND/OR TO ARREST DRUG TRAFFICKING SUSPECTS IN ANY BUILDING OR VEHICLE DURING DAYLIGHT HOURS. IF THE SECRETARY GENERAL HAS REASON TO BELIEVE THAT DRUGS OR DRUG SUSPECTS WOULD BE REMOVED OR WOULD FLEE UNLESS PROMPT ACTION IS TAKEN, THE SECRETARY GENERAL OR HIS DESIGNEES MAY TAKE ACTION AT NIGHT SIMILAR TO THAT DURING DAYLIGHT HOURS. SECRETARY GENERAL AND/OR HIS DESIGNEES ARE AUTHORIZED TO SUMMON ANY PERSON OR OFFICIAL TO GIVE EVIDENCE PERTAINING TO THE NARCOTICS TRAFFIC AS DEEMED NECESSARY. THEY ARE EMPOWERED TO HOLD SUSPECTS FOR THREE DAYS BEFORE HANDING THEM OVER TO JUDICIAL INVESTIGATIVE OFFICERS. THEY ARE EMPOWERED THEMSELVES TO ACT AS REGULAR INVESTIGATIVE OFFICERS ON A NATIONWIDE BASIS.

5. PERSONS WHO OBSTRUCT INVESTIGATIONS OR WHO REFUSE TO COOPERATE

IN GIVING STATEMENTS OR TO SUBMIT DOCUMENTS TO THE AUTHORIZED DSC OFFICIALS MAY BE SUBJECT TO THE MAXIMUM PENALTY OF SIX MONTHS IN PRISON OR A FINE OF 10,000 BAHT (US DOLS 500). DSC OFFICIALS FOUND GUILTY OF CORRUPTION MAY BE SUBJECT TO PENALTIES UP TO THREE TIMES THOSE SET FORTH ABOVE.

6. COMMENT: IN PREPARATION OF THIS LEGISLATION THAI GOVERNMENT AGENCIES CONCERNED WITH THE DRUG PROBLEM HAVE PLEDGED THEIR CONCERTED EFFORTS TO COPE WITH THE NARCOTICS TRAFFIC. THE REACTION OF THE THAI MEDIA TO THE BRIEF ANNOUNCEMENT OF THE LEGISLATION ON NOV 12 HAS BEEN GENERALLY POSITIVE, REFLECTING GROWING PUBLIC CONCERN OVER THE NARCOTICS TRAFFIC AND AN ENCOURAGING RESPONSE TO RECENT STATEMENTS BY THE PRIME MINISTER. MUCH WILL DEPEND ON HOW THE NEW LEGISLATION IS IMPLEMENTED, OF COURSE, AND THE BROAD GRANT OF AUTHORITY IN THE LEGISLATION, AS DESCRIBED ABOVE, COULD BE ABUSED. HOWEVER, THE RTG DESERVES CONSIDERABLE CREDIT FOR ORIGINATING AND ENACTING TOUGH LEGIS- LIMITED OFFICIAL USE

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LATION WHICH SHOULD MAKE POSSIBLE IMPROVED THAI PERFORMANCE IN THE CAMPAIGN AGAINST THE NARCOTICS TRAFFIC. WHITEHOUSE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REPORTS, LAW, DRUG CONTROL, DRUG TRAFFIC
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Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE009604
Document Source: CORE
Document Unique ID: 00
Drafter: RMGIBSON:MFG
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770015-1193
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1977/newtext/t19770148/aaaabpxh.tel
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Litigation Code IDs:
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Litigation History:
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Office: ORIGIN EA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
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Review Action: RELEASED, APPROVED
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Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3588210
Secure: OPEN
Status: NATIVE
Subject: THAI GOVERNMENT APPROVES NEW ANTI-NARCOTICS LEGISLATION SUMMARY: THAI GOVERNMENT APPROVED LEGISLATION NOV 12 ESTABLISHING DRUG SUPPRESSION COMMISSION IN THE OF
TAGS: SNAR, PGOV, PINT, TH
To: LONDON BONN MULTIPLE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/20e7f2d8-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009